

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:

CASE NO.: 21-30941-hcm

**Juan Carlos Villarreal,
aka Juan Carlos Villarreal – Torres,
aka Juan V. Torres,**

CHAPTER 13

Debtor.

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OBJECTION TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN

U.S. Bank National Association (“Secured Creditor”), by and through its undersigned counsel, objects to confirmation of Debtor’s Chapter 13 Plan (DE #2), and states as follows:

1. Debtor, Juan Carlos Villarreal, filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on December 9, 2021.
2. Secured Creditor holds a security interest in the Debtors' personal property described as a 2019 RAM 1500 (VIN: 1C6RREHT0KN628422) by virtue of a Motor Vehicle Retail Installment Sales Contract – Simple Finance Charge (With Arbitration Provision) dated March 8, 2019.
3. The filed Proof of Claim shows the total amount owed of \$56,041.10 and pre-petition arrears of \$2,431.77. Secured Creditor's J.D. Power/NADA Used Car valuation shows a Clean Retail Value of \$57,650.00.
4. The Debtors filed an Initial Chapter 13 Plan on December 9, 2021.

5. Debtors' Plan proposes to value the collateral to \$52,000.00 and cram down the interest rate to 6.00%. Secured Creditor objects as Debtor's vehicle is over-secured and therefore Debtor cannot cram down the value of collateral.
6. Debtor's Plan fails to properly provide for the repayment of Secured Creditor's Claim and should not be confirmed.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtors' Plan, and for such other and further relief as the Court may deem just and proper.

Date: January 25, 2022

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 25, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

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